

House Committee Activity: April 12 - 14, 2004

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As the 2004 session of the 103rd General Assembly enters its fifteenth week, subcommittees are considering final bills, while full committees face lengthy calendars. Shown are Chairman Joe Fowlkes of the House Judiciary Committee, and Chairman John Windle of the Criminal Practice and Procedure Subcommittee.

Agriculture

Matt Barnes

Full Committee

The **Agriculture Committee** met Tuesday with one bill on calendar. **HB 3139** (Bone), which would have exempted licensed veterinarians from controlled substance database and monitoring, was taken off notice at the sponsor's request.

Chairman Davidson announced the committee would hold one more meeting. A guest speaker is planned, but the committee will not hear any

legislation.

Phyllis Ferguson, executive vice president of the Tennessee Pork Producers Association (TPPA), introduced hog farmers Ray Weaver, PPA president from Coffee County, and Jimmy Tosh of Rutherford County. Even though the number of producers and hogs and their associated economic impacts have decreased of late, they pointed out the TPPA remains active in promotional programs throughout the state. The TPPA provides materials to county farm tour day activities and has recently served grilled pork loin sandwiches to drivers and crew teams at the Nashville Superspeedway and to troops and families at Fort Campbell.

The TPPA plans to do the same this fall at the University of Tennessee football game against Auburn, serving fans on the way to the game through a grant from the Tennessee Ag Tag program.

Chairman Davidson then recognized Rep. Fowlkes, who was present at the committee to introduce his neighbor, Bud Guinn, and

Luke West, both of the Tennessee Cattlemen's Association. But Rep. Fowlkes first discussed his herd of goats, 4 in number, and kennel of dogs totaling 22.

Mr. Guinn said beef is the most important agricultural industry in the state. While total cattle production is down from 3.3 million in 1975 to 2.2 million now, total beef production remains at the same level. Mr. Guinn provided the following facts for the committee:

- Tennessee ranks 14th in the country in total cattle and calf inventory.
- Tennessee ranks 9th in the country in beef cow inventory.
- On January 1 of this year, Tennessee's total value of cattle and calves was \$1.44 billion, an average of \$650 per head.
- 57 percent of Tennessee farms produce cattle.
- The marketing of cattle and calves, at \$3.44 million, accounted for 17 percent of Tennessee farm cash receipts in 2002, the largest single commodity.
- The top five cattle-producing counties in Tennessee are Lincoln, Greene, Giles, Maury, and Bedford.

Still, Mr. Guinn said Tennessee farmers are struggling to make a profit when it comes to beef production. He suggested that increasing pasture land in this state by 60 percent would generate \$100 million in potential income.

Mr. West briefly discussed the mad cow disease scare that hit Washington on December 23, 2003. He said the industry had anticipated such an event for the previous 15 years and feared the public reaction. After the fallout of this episode, he said the public reaction was much better than expected.

***The Agriculture
Committee will hold
one more meeting.***

Children & Family Affairs

Shannon Romain

Full Committee

In the **full committee**, three bills were referred to Finance, Ways and Means. **HB 0861** (Rep. Bunch), as amended, requires the Department of Human Services to review child support orders every three years upon request by either the obligor or the child support recipient. The department is required to conduct the review even if there is no proof of a material change of circumstance, to adjust the order if appropriate, or seek an adjustment of the order if there has been a significant variation from the guidelines. If there is a substantial change in circumstances between the three-year cycle, either party may request a review. At that time, the department shall conduct the review and adjust the order if necessary.

Orders may be reviewed and adjusted by applying the cost of living formula or by using available wage information. The department must give each party written notice of the initiation of a review and of its findings, and the parties retain the right to appeal decisions.

HB 1464 (Rep. Johnson) adds licenses to operate motor vehicles to the list of licenses that may be revoked for failure to comply with a visitation order. Amendments to the bill delete conflicting language in the code and change the effective date of the bill.

HB 3315 (Rep. Windle) specifies that the court may imprison a person for up to 30 days for violating an order of protection.

HB 2346 (Rep. Harrison) was referred to Calendar and Rules. The bill authorizes the juvenile court to request from telecommunications providers the telephone records of any person that it believes will assist in locating a missing child. The provider must provide the records immediately and free of charge.

The following bills were deferred one week:

HB 0137	HB 0781
HB 2899	HB 2848
HB 3121	HB 2257

Family Justice Subcommittee



The **Family Justice Subcommittee** held its final meeting of the legislative session. **HB 2245** and **HB 3103** were taken off notice and the following three bills were referred to the full committee. **HB 2543** (Rep. Fowlkes) amends the law pertaining to the marriage license fee. *Chairlady Sontany*

Under present law, couples in Tennessee receive a \$60 discount on the \$90 marriage license fee if they show proof that they received premarital counseling. Couples from out-of-state who marry in Tennessee automatically receive the discounted fee whether or not they show proof of premarital counseling. This bill removes that exception. Upon enactment, couples from other states must show proof that they have received premarital counseling in order to qualify for the discounted fee.

The committee adopted two amendments to the bill. The first amendment re-allocates funding from Weems Academy to Tennessee CASA. The second amendment exempts Sevier County from the bill. Consequently, out-of-state tourists marrying in cities like Pigeon Forge and Gatlinburg would continue to pay the discounted amount whether or not they show proof of premarital counseling. In response to questions that the exemption of Sevier County is unconstitutional, the sponsor referred to an Attorney General opinion stating that the exemption is not unconstitutional because the county qualifies as a "premier tourist resort".

HB 2579 (Bowers) creates an independent review team to review cases within the Department of Children's Services that have not been handled in accordance with departmental regulations or state laws. The bill was introduced in the subcommittee after being referred to the House Government Operations Committee which adopted an amendment that sunsets the review team on June 6, 2006.

HB 3337 (Rep. Maddox) applies to the termination of child support orders in Title IV cases. Under the amendment, which makes the bill, the Department of Human Services is required to give a child support recipient and obligor notice that an order is due to be suspended and/or terminated because the child is turning 18 years of age and has graduated, or the class of which the



Rep. Maddox

child is a member when he turns 18 graduates. Notice must be given that the department is suspending the order and intends to permanently terminate the order at least 90 days prior to the child's 18th birthday.

The bill directs the department to provide notice when its records indicate that a child is about to turn 18, however, an obligor may independently seek termination of a support order or request that the department assists in terminating an order if the obligor can show that certain requirements have been met. Upon a showing of proof, by the parent obligor, or DHS records, the department must immediately temporarily suspend the support order.

Under this bill the department is still required to give each party notice of reviews, findings and its actions. The bill designates the methods of notice to both parents whether or not there has been a court ordered deviation from the guidelines. In either instance, the recipient and the obligor both retain the right to request a hearing on the issue of the termination. If the recipient contests the hearing and prevails, the obligor is required to pay any child support owed in addition to any arrearages and court costs.

If a support order is suspended or terminated for a child, but the obligor is still obligated to support other children, the department must immediately review the remaining support order(s) and make any adjustments if necessary or seek a modification if there has been a deviation. In either event, the department is required to notify both the recipient and the obligor and to comply with all due process requirements for notice.

Finally, the amendment requires LEAs to provide proof of a child's graduation within 20 business days of a written request.

The Domestic Relations subcommittee is closed.

*Both subcommittees of
the Children and Family
Affairs Committee are
now closed.*

Commerce
Matt Barnes

Full Committee

The **Commerce Committee** passed one bill out of committee at its Tuesday meeting, sending **HB 3005** (Armstrong) to Finance, Ways and Means. The bill has an amendment that re-writes it to allow congregate meal sites, funded through the Commission on Aging and Disability, to save money on permit fees by placing those establishments under the same fee schedule as food service establishments in child care centers.

- Rolled:

HB 3284 (Mumpower) exempts licensed telecommunications contractors from the requirement that they be licensed as an alarm systems contractor if less than 50 percent of their work is related to alarm systems. The bill was rolled for one week.

HB 3513 (McMillan), as amended, is an administration bill that gives the governor broad authority to address the inherent problems in TennCare. Chairman Hargrove gave a brief introduction to the bill and then recognized Leader McMillan, who said saving the program must be a joint effort by all parties involved. She noted five basic elements to the bill as amended, authorizing the governor to: 1) fix TennCare, a major focus being to control cost; 2) create a comprehensive disease management program and two safety net provisions; 3) control pharmacy costs; 4) create a separate and distinct fraud and abuse unit; and 5) define "medical necessity."

Nashville gastroenterologist Robert Herring, Jr., MD spoke on behalf of the American College of Physicians-American Society of Internal Medicine (ACP-ASIM), which represents over 115,000 physicians and medical students nationwide. The group supports the efforts to control cost and improve the quality of health care for Tennesseans, but it is concerned with the limitations on prescription drugs and doctor visits, particularly for extreme cases. Further, Dr. Herring wondered which doctors would participate in the safety net programs, pointing out that they would have to be paid more money because most want to see as few TennCare patients as possible.

Finance Commissioner Dave Goetz addressed Dr. Herring's concerns, stating the administration is working with the Tennessee Medical Association to attract more physicians and that a good



model currently exists in Williamson County. He said the proposed prescription limit of six is the same as all the other waiver states and that the disabled, pregnant women, and children are exempt from the limitations.

Commissioner Goetz
from the limitations.

The bill was rolled one week. Chairman Hargrove asked the members to review the amendment and attempt to have their questions answered before next week's meeting unless the questions need to be asked publicly.

HB 3330 (Bowers), as amended, attempts to correct those instances in which a person, already under a health insurance plan, is refused covered medical treatment due to the person's being intoxicated or under the influence of any narcotic. Even though insurance lobbyists said in subcommittee that they do not deny treatment for these reasons, Rep. Bowers said the bill, brought by the MED in Memphis, addresses an actual problem the hospital faces. John Farris, representing the MED, suggested that maybe the larger insurance companies do not refuse coverage but that some smaller companies have exclusions in their policies that many people miss or simply stray from on occasion. The bill was rolled one week to address members' concerns over the amendment and potentially bring another.

HB 3405 (Hargrove), which limits the amount of a lien a residential contractor may file against residential property for the construction of a new home, was rolled until the committee's last calendar.

HB 724 (Curtiss), as amended, licenses plumbers for work that has a total cost of less than \$25,000. The sponsor said the parties are still negotiating and asked that the bill be rolled to the last calendar.

HB 3132 (Turner, B.) has a subcommittee amendment that re-writes the bill to require all alarm system contractor employees to pass the National Burglar and Fire Alarm Association Level 1 training or equivalent training. Current employees must complete the training within two years of the effective date of the bill, while new employees must complete the training within one year of employment. The amendment also takes care of the \$4,000 original fiscal note, taking whatever costs are involved out of existing reserves. The bill was rolled one week.

- Taken off notice:

HB 2967 (Fitzhugh), with a subcommittee amendment, would have prevented any health insurance company that administers the state employee health plan from negotiating an exclusive contract with a hospital for the provision of services to state employees unless it: 1) first offered an exclusive agreement to the hospital within the service area that has the highest percentage of TennCare admissions to total admissions during the preceding calendar year; 2) offered to successive hospitals terms that are identical to those offered to and rejected by the hospital with the highest percentage of TennCare admissions; and 3) gave each hospital the same number of days to accept or reject the offer. Rep. Fitzhugh requested the bill be taken off notice.

Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** sent one bill to full committee at its meeting on Tuesday. **HB 3329** (Bowers), as amended, requires contracts for home loans made by a nonprofit lender with a zero or low interest rate to contain a restrictive covenant that prohibits refinancing the loan without the approval of the nonprofit lender's local board of directors as long as the loan is in existence. The amendment also defines "low interest loan" and "home loan." Rep. Bowers said the bill would benefit Habitat for Humanity.

Chairman Curtiss announced that the subcommittee would meet two more times and that his office would notify members that they need to put their bills on notice if they wish to move them.

- Rolled:

HB 2931 (Rinks) increases electrical inspection fees. Rep. Rinks said the parties have been discussing various alternatives to address the problem of rural inspectors not getting paid as much as those in urban areas. He previously had said an urban inspector might visit a subdivision and inspect 15 homes in a day, while a rural inspector, due to the distances between homes, may only inspect a few. He claimed that all the parties agree an inequity exists, but they are unsure how to cure it. The bill was rolled for two weeks.

HB 1208 (DuBois), which directs the TRA to create a registry for those not wanting to receive unsolicited e-mail messages, was rolled for one week.

HB 2569 (Hackworth), if amended by the sponsor's proposed amendment, would re-write the bill to allow the state to provide tax credits up to 25 percent to firms

for performing qualified research. Such research is defined in the amendment as technological in nature and intended for the development of a new or improved business component.

Rep. Bowers suggested the Department of Economic and Community Development (ECD) should approve the business ventures before they receive the tax credits. She further wondered whether the bill as amended, since it authorizes the Department of Revenue to promulgate rules, should go to the Government Operations Committee. When Rep. Coleman wondered if the bill would apply to agricultural ventures, the subcommittee went into recess to hear from Clark Rose, ECD legislative liaison, who said she does not read the bill that way. Rep. Fitzhugh wondered about the fiscal impact since a fiscal note on the amendment was not yet available. Ms. Rose said several bills are floating around that have the same effect as this one, so Rep. Cobb suggested studying them all. In the end, the bill was rolled for one week, as Chairman Curtiss said, to obtain an updated fiscal note on the amendment and have a representative from the Department of Revenue present to speak on the bill.

*The Small Business Subcommittee
is closed.*

*The Industrial Impact Subcommittee
will reopen on April 20th
for one meeting.*

Conservation & Environment

Greg E. Adkins

Full Committee

The **full Environment Committee** met on Tuesday, April 13, 2004, and considered eleven bills. **HB 2672** by Rep. Winningham passed to FW&M as amended. The amended bill exempts persons currently residing either within the Sundquist



Wildlife Management Area **Chairman Garrett** or on property physically contiguous to the management area from paying special user fees (TWRA fees) for horseback riding, bicycling, and off-road vehicle use. The amendment also states that this exemption shall not apply to a future purchase or inheritance of property within the management area. **HB 3203** by Rep. Garrett passed to C&R. The bill broadens current statute to also include in a pilot project for sewer systems the use of alternative systems. **HB 3383** by Rep. Kernell passed to FW&M as amended. The amendment rewrites the bill and clarifies the geographic size of the Lucius E. Burch, Jr. Natural Area as 788 acres located within Shelby Farms Forest Park in Shelby County. The amendment also requires TDEC to give notice and opportunity for public comment on any proposal to designate a new natural area or modify the natural area.

HB 1047 by Rep. McCord was rolled one week. (The pending amendment rewrites the bill and changes current law that states hunting signs shall be placed at all major points of ingress and at 250 yard intervals on the perimeter of real property being marked. The amendment would remove the 250-yard requirement.)

HB 1573 by Rep. Buck was rolled one week. (Requires kill tags for deer to be in two parts, one for carcass of deer and one for the head of the deer.) **HB 2731** by Rep. Bunch was rolled one week. (Permits children under age 18 to purchase a hunting and fishing license without a social security number.)

HB 3037 by Rep. Head was rolled one week. (Deletes obsolete start-up language from the Petroleum Underground Storage Act.) **HB 3067** by Rep. Hagood was rolled one week. (The amended bill would appropriate \$6 million from the general fund to pay for incentives of 30 cents a gallon to ethanol producers who purchase grain from Tennessee in order to make motor fuel that contains at least 10% ethanol.)

HB 3136 by Rep. McCord was rolled one week. (Changes "maximum" amount of matching funds of \$35,000 to a "minimum" amount of funds relative to development of regional plans for tourist promotion.)

HB 3498 by Rep. McMillan was rolled one week. (The amendment rewrites the bill and expands vehicle emission regulation in non-attainment areas of the state.)

HB 39 by Rep. Head was rolled one week. (The amendment rewrites the bill to authorize that no inspection of a pre-existing subsurface sewage disposal system shall be required from TDEC on property where any single family dwelling, mobile or permanent, is remodeled or added on to by current family members of the single family dwelling unit.)

Environment Subcommittee

The **Environment Subcommittee** was closed, but it will reopen at the request of the chair for one meeting next week to hear HB 3496. The meeting will be held immediately after the full committee on Tuesday, April 20th.

Parks Subcommittee

The **Parks Subcommittee** is closed subject to the call of the Chair.

Wildlife Subcommittee

The **Wildlife Subcommittee** is closed subject to the call of the Chair.

*Parks and Wildlife Subcommittees
are now closed.*

*Environment Sub opens for one
meeting on April 20th.*

Consumer & Employee Affairs

Shannon Romain

Full Committee

There were two bills on the calendar in the **full committee**. **HB 0527** (Windle) was referred to Calendar and Rules. As amended, the bill expands the jurisdictional extra-territorial application of Tennessee Workers Compensation Law. If a Tennessee resident working in another state is injured, and the employer is a Tennessee company or has a substantial nexus to Tennessee, the injured worker may file a claim for worker's compensation either in the state in which he or she was injured or in Tennessee. Under current law, the injured party must return to the state in which the injury occurred to file a claim. According to the sponsor, the bill allows Tennessee residents to take advantage of Tennessee courts. The amendment makes the bill.

HB 2910 (Rep. West) was referred to Finance, Ways and Means. As amended, the bill defines employee assistance programs and specifies the core activities of employee assistance professionals. The first amendment

to the bill removes the requirement that employee assistance programs must be based at the work site. The amendment also maintains present law which exempts certain professions from obtaining a license to become an employee assistance professional. The original bill removed that exemption. Under the second amendment to the bill, employee assistance professionals retain the privilege of renewing their licenses biannually. Under the original bill, they are required to renew annually.

Consumer Affairs Subcommittee

The **Consumer Affairs Subcommittee** held its last scheduled meeting of the legislative session. There was one bill on the calendar. **HB 0794** (Rep. Buttry), the apartment submetering bill, was taken off notice. **The committee is now closed.**

*The Consumer
Affairs Subcommittee
is now closed.*

Employee Affairs Subcommittee

The **Employee Affairs Subcommittee** did not refer any bills to the full committee.

HB 0033 was taken off notice.

The following bills were deferred on week:

HB 2164	HB 3197
HB 3198	HB 3168
HB 3172	HB 3401
HB 2403	HB0421

HB 3199 was deferred two weeks.

Education

Pam Mason



The Full Committee

The **Education Committee** met on Wednesday to consider its calendar. Action on the bills scheduled follows.

Referred to Calendar & Rules:

HB 3523 - (McMillan - Turner, L.) allows local boards of education to determine number of members on the textbook committees based on size of school system.

HB 3264 - (Winningham) renames the "Tennessee Student Assistance Award Restoration Act" as the "Ben Atchley Opportunity Grant Act."

Referred to Calendar & Rules, if amended:

HB 3524 - (McMillan - Curtiss) as amended, authorizes and empowers TBR and UT institutions to take necessary steps to establish foundations. TBR and UT shall enter into written agreements with each foundation. These agreements shall be filed with the board of the institution and THEC. Agreements shall include, but not be limited to, the following:

- The relationship between the institution and foundation
- Role and purpose of the foundation
- Foundation's use of the institution's name

In addition:

All reports and account books and financial reports shall be subject to an audit.

All records are public information with the exception of identity of donors or prospective donors (unless donors expressly authorize the release of their name). Any work papers and correspondence between donors and any authorized person seeking a gift for the foundation shall not be public record.

No more than two (2) members or 20 percent of the total of the foundation board shall serve concurrently on both a foundation and the TBR or UT board.

Each foundation chair shall certify in writing by July 15 of each year that the foundation is complying.

HB 3338 - (Maddox) sets up procedure for financial audits of the president and chief executive officers of institutions in the UT system and chancellors and chief executive officers of the institutions in the Board of Regents system. As amended, UT and the state university or college systems are prohibited from purchasing alcoholic beverages, beer, or wine with funds derived from state taxes, tuition, or student fees which are appropriated or re-appropriated by the general assembly.

Referred to Finance, Ways & Means:

HB 2978 - (Jones, U.) requires the Department of Education to establish a demonstration project for videoconference classes in public schools by January 1, 2005.

Deferred 1 week:

HB 2783 - (Fowlkes)

HB 2976 - (Jones, U.)

Taken off notice:

HB 3185 - (Rinks)

HB 3440 - (Maddox)

HB 2759 - (Towns)

HB 2607 - (Winningham)

HB 2642 - (Winningham)

Higher Ed Subcommittee

The **Higher Ed Subcommittee** met on Tuesday to consider its calendar.

Recommended to Full Committee:

HB 2158 - (Newton) adds the Select Committee on the Tennessee Education Lottery Corporation to committees for review of governor's proposed appropriations for educational programs prior to final actions by Finance, Ways and Means Committees.

HB 2867 - (Fitzhugh) includes the TN Foreign Language Institute with those at which state employees may take one free course per term. Reimbursement will be from existing funding.

Recommended to Full committee, if amended:

HB 2861 - (Brooks, Harry) permits students in vocational/technical training to obtain lottery scholarships if they have overall 3.0 grade point average in technical preparation curriculum. Amendment corrects a typographical error in the text (3.75 changed to 2.75).

Deferred 1 week:

HB 3001 - (DuBois)

The following bills pertain to various aspects of the Lottery. Discussion was heard on this topic with voting deferred for one (1) week.

HB 2321 - (Hargett)

HB 2174 - (Turner, M.)

HB 2325 - (Brown)

HB 2134 - (Newton)

HB 3351 - (Newton)

HB 2185 - (Dunn)



Chairlady Brown

HB 2530 - (Sharp)
HB 2964 - (Lynn)
HB 2542 - (Fowlkes)
HB 2562 - (Winningham)
Taken off notice:
HB 2154 - (Newton)

K-12 Subcommittee

At its Tuesday meeting the **K-12 Subcommittee** took the following actions.

Recommended to full committee:

HB 2409 - (Winningham) provides for information to parents of students belonging to the student subgroup or subgroups that are not making adequate yearly progress regarding their eligibility to transfer to another school.

HB 2854 - (Winningham) changes qualifications for director of schools.

HB 3261 - (Winningham) allows TEA president to have leave from his or her school system during the term of office as president.

HB 2561 - (Winningham) clarifies that charter schools are to administer state value added tests to their students.

HB 2429 - (Winningham) clarifies that the Commissioner of Education's power to waive existing law does not extend to requirements of the charter school law.

Recommended to full committee, if amended:

HB 3341 - (Maddox) as amended directs the State Board of Education to recommend policy for attendance of students whose custodial parents reside in two LEAs.

Deferred 1 week:

HB 2979 - (Towns)
HB 2422 - (Kernell)
HB 1302 - (Hackworth)
HB 3380 - (Montgomery)
HB 2427 - (Winningham)
HB 3006 - (Armstrong)
HB 2844 - (Newton)
HB 3210 - (Newton)
HB 2224 - (Newton)

Taken off notice:



*Chairman Winningham
Education Committee*

HB 3430 - (McCord)

Finance, Ways & Means

Julie Travis

House Finance, Ways, and Means Committee **Tuesday, April 13, 2004**

The full committee met on Tuesday to discuss 23 bills on the full committee's Regular and "Consent" calendars. The three resolutions and one bill on the committee's consent calendar were referred to Calendar and Rules: **HB 3267 (Cochran)**, **HB 3412 (Hargrove)**, **HB 3084 (Hagood)**, and **HJR 997 (Buck)**.

HB 3176 (McMillan), **HB 2387 (Curtiss)**, **HB 1166 (Towns)**, **HB 2400 (Hargrove)**, **HB 3529 (McMillan)**, and **HB 3539 (McMillan/Fitzhugh)** were rolled for one week.

Action on **Rep. Brook's (Shelby) HJR 861** was deferred for two weeks.

HB 3215 by **Rep. Kent** was taken off notice.

The following bills were referred to Calendar and Rules Committee:

HJR 816 (Bowers) -- The Amendment adopted by the Full Committee encourages the Governor, the Dept. of Correction, and the Board of Probation and Paroles to conduct an investigation into the feasibility of utilizing global positioning system (GPS) technology and other tracking and monitoring technology into correctional programs and services.

HB 2554 (Overbey) -- As amended by both the House Finance Committee and Health and Human Resources Committee, this bill requires smoke detectors and sprinkler systems in all assisted care living facilities and all residential homes for the aged. The bill specifies dates by which such plans must be submitted, approved, and implemented.

HB 3508 (McMillan/Brown) -- This bill, as amended by the Transportation Committee, authorizes TDOT to conduct studies to determine whether any group consisting of socially and economically disadvantaged individuals as defined by the federal government are underutilized on state funded construction projects. The amended bill also authorizes the Department to create

and implement a surety bond guarantee program for small businesses to act as subcontractors. The Commissioner of TDOT shall annually report in writing the progress of the program to the Speaker of the House and Senate, the House and Senate Transportation Committees, and to the Governor.

HB 3537 (McMillan/Pinion) -- As amended by the Transportation Committee, this bill revises the procedures required of TDOT for closing highway and bridge construction contracts to conform to changes in federal law concerning the retainage by state governments from contractors.

HB 3492 (McMillan/Cobb) -- This bill, as amended by the Transportation Committee, grants the Commissioner of TDOT the authority to enter into contracts without going through the normal competitive bidding procedure when faced with a failure of the transportation system, imminent threat of a failure to the transportation system, or other emergency that the Commissioner reasonably believes would present a hazard to the traveling public or a significant delay in transportation. The bill stipulates that any contract entered into according to the provisions of the bill must be submitted to the Fiscal Review Committee, along with the bid and any other supporting documentation, within 30 days.

HB 3482 (McMillan/Coleman) -- This bill authorizes the Commissioner of Commerce and Insurance to require any insurer, who has been placed under administrative supervision, to pay *any and all* appropriate and reasonable costs incurred during the supervision period, including any contracted costs.

HB 3495 (McMillan) -- As amended by the Conservation and Environment Committee, this bill authorizes the Commissioner of TDEC to purchase services, raw materials, merchandise for resale, supplies and equipment necessary for provision of quality services for state park operations without the approval of any other state agency.

HB 2758 (Pruitt) -- With the adoption of a State and Local Government Committee Amendment, this bill exempts from taxation property owned by a religious, charitable, scientific or nonprofit educational institution and operated as a parking garage, when spaces in such garage are leased to a metropolitan government hospital authority for a metropolitan government hospital and the staffing for such hospital by a medical and dental school (*i.e., the parking garage owned by Meharry Medical College and leased to the Metropolitan Government Hospital Authority*).

HB 3361 (Curtiss) -- As amended by the Government Operations Committee, this bill requires that legislation mandating health insurance coverage shall be referred to the Fiscal Review Committee to evaluate the impact of the legislation on health insurance premiums. To the extent that resources are otherwise available, the committee may conduct research, hear from experts, and review the experience in other states.

HB 3484 (McMillan) -- As amended by the Finance Committee, this bill specifies the procedures and timetable for customers and suppliers of Internet access to apply for a refund of sales taxes paid on Internet access charges.

HB 3510 (McMillan/Winningham) -- As amended by the Education Committee, this bill addresses the small schools' teacher pay equity problem within the State. The two basic components of this legislation include: (1) a change in the funding formula and (2) an improved salary distribution system for teachers.

Budget Subcommittee
Wednesday, April 14,
2004

The Budget Subcommittee of the House Finance, Ways, and Means Committee met to discuss 43 bills on the regular subcommittee calendar and one bill on the addendum calendar this week.



Chairman Fitzhugh

Actions of the Budget Subcommittee are as follows:

Action on the following bills was deferred for one week: **HB 3028 (Head), HJR 818 (Rinks), HB 131 (Buck), HB 2519 (Turner M), HB 1474 (Briley), HB 2565 (Winningham), HB 2659 (Briley), HB 2973 (Bowers), HB 306 (Stanley), HB 166 (Harwell), HB 3542 (McMillan/Head), HB 560 (Brooks of Shelby), HB 565 (Brooks of Shelby), HB 3240 (Wood), HB 3301 (Armstrong), HB 3169 (McMillan), HB 1678 (Jones, S), and HB 3366 (DeBerry, J).**

The Subcommittee first amended and then deferred action for one week on **HB 643 (Maddox), HB 952 (Tidwell), and HB 3391 (Briley).**

HB 2502 (Langster), HJR 776 (Cooper B), HB 2156 (Newton), HB 2586 (Hagood), and HB 2926 (Rinks) were deferred for two weeks.

Action on **Representative Matheny's HB 2146** was deferred to 2005.

Bills that were placed behind the budget include **HB 2936 (Rinks), HB 3092 (Rinks), and HB 3392 (Head).**

HB 2302 (Rowland), HB 3 (Casada), and HB 3217 (Kent) were taken off notice.

HJR 953 (West) was referred to Speaker Pro Tempore DeBerry's committee on special study committees, and **Representative Matheny's HB 2148** will be referred to a special committee.

HB 2625 by **Representatives Dunn and U. Jones** failed for lack of a motion.

The following bills were referred to the full Finance, Ways, and Means Committee:

HB 3345 (Armstrong) -- As amended in the Subcommittee, this bill provides a use tax exemption on the federal government's personal property that is temporarily used by a contractor or subcontractor on a federal contract awarded under the Small Business Innovation Research Program. The exemption would only apply to property that is the subject of the test being performed and property into which the subject of the test must be incorporated before the testing can occur. The exemption would not apply to equipment, machinery or other property used to conduct the test.

HB 2334 (Bowers) -- As amended by the State and Local Government Committee, this bill requires the Commissioner of Finance and Administration to promulgate regulations to authorize a preference in the evaluation of proposals for state contracts that require the performance of data entry or call center services for vendors through which such services will be solely provided by citizens of the United States who reside in the United States.

HB 3099 (Jones U) -- This bill, as amended by the State and Local Government Committee, authorizes retail sellers of alcoholic beverages to offer, without charge or cost, samples of alcoholic beverages and spirits to consumers on their licensed premises by requiring a variety of measures.

HB 2762 (Head) -- As amended by the State and Local Government Committee, this bill increases certain alcoholic beverage license fees. The amendment allows the alcoholic beverage commission to retain the funds collected from license fees for the purpose of the administration and enforcement of the duties, powers, and functions of the commission.

HB 3514 (McMillan/Overbey) -- As amended by the Judiciary Committee, this bill allows all judicial proceedings under Title 33 to be conducted using audio-video communications without the physical presence of the defendant, plaintiff, witnesses or attorneys before the court. The use of audio-video communication would be at the discretion of the court, would require the agreement of all parties and would be subject to the availability of suitable equipment. The bill also allows pleadings and certificates of need to be delivered to the court by telefax transmission. Furthermore, the amendment makes a clarification in regard to proceedings involving the emergency involuntary admission of a person for inpatient treatment.

HB 2327 (McDonald) -- This bill, as amended in the Conservation and Environment Committee, directs the Water Resources Division of TDEC to investigate the need for public water systems in rural areas of Tennessee. TDEC is required to report to the Chairs of the Conservation and Environment Committees of the House and Senate by January 31, 2005.

HB 3213 (Fitzhugh) -- This piece of legislation allows utility district commissioners to participate in the insurance plan for local governments and quasi-governmental organizations.

HB 2353 (Overbey) -- As amended by the Budget Subcommittee, this bill requires the judicial council to appoint a committee to study and make recommendations regarding court costs, including recommendations to make court costs more uniform. The bill specifies that the report of such committee shall be filed with the chairs of the House and Senate Judiciary Committees by January 17, 2005.

Government Operations

Kristina Ryan

The **Government Operations Committee** met on Tuesday morning to consider six pieces of legislation. **HB 2721** by Representative John DeBerry was deferred for one week. This bill would prohibit any rules or regulations that directly impact legislation that was enacted in the previous session of the General Assembly from being filed with the Secretary of State when the legislature is not in session. The only exceptions would be for public necessity and emergency rules.

HB 2516 by Representative Eldridge was deferred to the last calendar. This legislation would create the Workers' Compensation Commission; an entity that would replace the current court based system with an administrative commission. **HB 2448** by Representative Kernell was deferred for one week. Under this sunset legislation, the Tennessee Emergency Management Agency (TEMA) would be extended for four years until June 30, 2008. However, there was discussion among some committee members about amending the sunset extension for six years until 2010, so the bill was rolled to further explore this option.

HB 1024 by Representative DuBois was reviewed and referred to the Transportation Committee. This legislation would require the Department of Transportation to maintain a web site that would identify construction locations on interstate highways as well as a list of alternative routes. An amendment that rewrites the bill that will be considered in the Transportation Committee would authorize the Department of Transportation to create and administer a safe-routes-to-school program as a component of the federal highway safety act.

The committee reviewed and referred **HB 1881** by Representative Todd to the Commerce Committee. The bill, as amended, would authorize the Department of Commerce and Insurance to conduct a study on the need for a risk pool for health insurance.

HB 2460 by Representative Kernell was referred to the Calendar and Rules Committee. As amended, this sunset legislation would extend the Tennessee Higher Education Commission (THEC) for four years until June 30, 2008.



Chairman Kernell

Next page: Health Committee. . .

Health & Human Resources

Judy Narramore

Full Committee

The **Health & Human Resources Committee** met Tuesday, April 13, 2004, immediately following the Health Care Facilities Subcommittee meeting. Sixteen bills and one resolution were on the calendar. **HJR 1043** by Rep. Hackworth that urges caregivers of newborns to learn infant CPR was referred to C&R. **HB 2528** by Rep. Sharp as amended was referred to C&R. The amended bill creates a *special volunteer license* for medical practitioners (licensed physicians, dentists, dental hygienists, nurses, chiropractors, psychologists, social workers, and physician assistants) whose sole practice is providing services without pay at a *free health clinic*. These medical practitioners will be exempt from license fees of the regulatory board and the \$400 occupation privilege tax. The free health clinic can not receive payment (individual or third party) for services and can not charge patients for services provided; however, the clinic may accept donations. **HB 3346** by Rep. Maddox as amended was referred to C&R. The amended bill authorizes a podiatrist that was performing ankle surgery prior to 1995 to continue to perform ankle surgery if continuing education and board requirements specified in the amendment are met. Rep. McMillan rolled **HB 3463** (scope of practice for dental hygienists and dental assistants) one week. Rep. Briley offered a new amendment to **HB 3131** and then rolled the bill one week. The proposed amendment requires physicians that use client billing for laboratory services to disclose on the bill or on a separate disclosure statement the name and address of the laboratory and the net amount paid/to be paid to the laboratory for pathology or cytology services. The disclosure provisions of the amendment would not apply to the State or any local government. Rep. Briley rolled **HB 2350** (nursing home personal needs allowance for Medicaid patients) one week to continue discussions on funding the proposed increase in the personal needs allowance. **HB 2656** by Rep. Cooper as amended was referred to C&R. The amended bill authorizes a health care professional to indicate the need for a dental or vision examination on a



child's immunization form and to provide a copy of this form to the child's parent/guardian. **HB 1149** by Rep. J. DeBerry, Rep. Sontany as amended was referred to FW&M. The amended bill authorizes the Massage Licensure Board to create minimum requirements (standards and curricula) for, and take disciplinary action against, schools of massage therapy. The amendment also increases the per diem reimbursement for the Board from \$50 to \$100. **HB 2971** by Rep. L. DeBerry as amended was referred to C&R. The amended bill authorizes the Shelby County mayor to appoint a medical examiner from a list of two doctors of medicine or osteopathy nominated by a convention of the physicians called for that purpose. The medical examiner will serve a six-year term. The county mayor for good cause may suspend the medical examiner. **HB 2756** by Rep. Pruitt as amended was referred to FW&M. The amended bill creates an eight member legislative task force to study and make recommendations on restructuring services for the aged and disabled populations, pursuant to the Comptroller's report entitled "Serving the Aged and Disabled: Progress and Issues" (December 2003). Rep. Pruitt rolled **HB 2757** (merging functions of agencies serving the elderly and disabled into a single entity) to the committee's last calendar. **HB 3106** by Rep. Ferguson that allows the Health Services & Development Agency to issue certificates of need for up to a total of five new beds in nursing homes not certified for either Medicaid or Medicare was referred to FW&M. The five new beds must be approved in FY 2004-05. **HB 3159** by Rep. DuBois (professional identifications) was rolled one week. **HB 2694** by Rep. Armstrong as amended was referred to C&R. The amended bill enacts the "Medication Error Reduction Act of 2004" by requiring that written prescriptions by specified providers be legibly printed or typed. Amendment #1 makes electronic prescriptions subject to the provisions of the bill and adds nurse practitioners and physician assistants to the list of specified providers. Amendment #2 requires that the date the prescription was issued be written in letters or numerals rather than in letters or both letters and numerals. Rep. Armstrong rolled **HB 3343** (creates Department of Aging and Disability) one week. **HB 3344** by Rep. Armstrong as amended was referred to FW&M. The amended bill defines a *leisure pool* according to size of the pool, property size, usage for corporate or group events, and recreational activities specified in the amendment. A *leisure pool* will be licensed as a Type B swimming pool by the Department of Health and will meet operational requirements concerning hours of operation and allowable noise levels

for events. Other than the provisions outlined in the operational requirements, all other laws or rules applicable to public swimming pools will apply to leisure pools. The committee began discussion and testimony on **HB 3512** by Rep. McMillan, Rep. Armstrong concerning fraud in the TennCare program/Office of TennCare Inspector General; however, the bill had to be rolled one week when committee time expired.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met at noon on Tuesday, April 13, and referred **HB 3450** by Rep. McMillan as amended to full committee. The amended bill exempts replacement nursing home applications from certain provisions of the Health Services and Planning Act. A replacement facility application is defined as an application, or pair of applications, that proposes to replace one or more currently licensed facilities with another single licensed nursing home or with two licensed nursing homes if conditions specified in the amendment are met. Any application that does not increase the number of beds over the number in the existing facility would be exempt from CON requirements and the limitation of 125 Medicare skilled nursing facility beds per year. If the application does increase the number of beds from the existing facility only the amount of the increase would be subject to the 125-bed limit.

Mental Health Subcommittee

The **Mental Health Subcommittee** is closed subject to the call of the chair.

*The
Mental Health
Subcommittee
is closed.*

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Wednesday morning, April 14, 2004, to consider two bills: **HB 2972** by Rep. Odom, Rep. McKee and **HB 3282** by Rep. Odom. Rep. McKee offered an amendment to **HB 2972** that rewrites the bill to authorize health care providers to offer complementary or alternative health care treatments. After discussion and testimony from representatives of the BME and TMA, **HB 2972** was deferred to a study committee of the Professional Occupations Subcommittee. Rep. Odom

took **HB 3282** (prescription privileges for psychologists) off notice.

Public Health & Family Assistance Subcommittee

Wednesday morning, the **Public Health & Family Assistance Subcommittee** had three bills and one resolution on its **final calendar**. **HB 3003** by Rep. Odom as amended was referred to full committee. The amended bill creates minimum training standards and licensure requirements for permanent cosmetic technicians and operators. *Permanent cosmetics* involves applying pigments to or under the skin in order to permanently change the color or appearance of the skin. As amended, a *permanent cosmetic technician* must be at least 18 years of age. Except for some training requirements, permanent cosmetic technicians and operators and permanent cosmetic salons would adhere to the same statutory requirements as tattoo artists and operators and tattoo parlors. The Department of Health would be the licensing authority. Licensure fees and renewals for permanent cosmetic technicians, operators, and salons are specified in the amendment. Rep. West took **HB 3015** (child safety alarms in day care vans) off notice. Pursuant to ongoing discussions on proposed amendatory language, **HB 3368** by Rep. J. DeBerry concerning security alarms in day care vans was rolled to a future meeting subject to the call of the chair. Rep. M. Turner presented **SJR 0127** that proposes a constitutional amendment concerning abortions. Chief Deputy Attorney General Andy Bennett appeared before the subcommittee to answer questions concerning the resolution. The resolution failed 4-5 on a roll call vote.

Judiciary

Paige Edwards

Criminal Procedure & Practice Subcommittee

On Tuesday, the **Criminal Procedure & Practice Subcommittee** met to consider 14 bills. **HB 2598** by Representative Hackworth was taken off notice. **HB 95** by Representative Buck was rolled to 2005. **HB 2405** by Representative Mumpower, **HB 2663** by Representative Johnson (Loudon), **HB 2664** by Representative Johnson (Loudon), **HB 2734** by Representative Bunch, **HB 3332** by Representative Bowers, **HB 2209** by Representative Winningham, **HB 2210** by Representative Winningham,

and **HB 3021** by Representative Jones (Davidson) were rolled for one week.

The following four bills were approved for passage and **referred to the full committee**:

- **HB 2599** by Representative Hackworth increases the sentence for methamphetamines violations if a person involved in the manufacture, delivery, sale, or possession of methamphetamines also possesses a deadly weapon.
- **HB 2824** by Representative Buck increases the sentence for methamphetamines violations under certain circumstances. The penalty would be increased if a firearm were found on the premises. Also, the penalty would be increased if the manufacture of the controlled substance creates a health or environmental hazard, occurs in the presence of children under 13 years of age, or took place or was to take place within 500 feet of a residence, place of business, church, or school.
- **HB 2961** by Representative Lynn, as amended, creates a Class E felony for furnishing alcohol to minors. Under present law, furnishing alcohol to a minor is punishable as a Class A misdemeanor.
- **HB 3186** by Representative Rinks amends the present law relating to evidentiary matters in criminal proceedings involving sexual offenders. Specifically, this bill involves a defendant who is charged with a sex offense in a criminal case in which the victim is less than 13 years of age. Under this bill, the defendant's prior conviction for another sex offense, involving a victim at the time of the offense who was less than 13 years of age, would be admissible into evidence on any relevant matter, subject to Rule 403 of the Tennessee Rules of Evidence. The state would be required to disclose such evidence to the defendant at least 15 days before the trial or at such time as the court may allow for good cause.

The subcommittee referred **HB 2599** and **HB 2824** to the full committee with the understanding that methamphetamines bills shall be considered consecutively in the full committee. The proposals may be recommended to the governor's task force that is investigating Tennessee's methamphetamines crisis.

Note: The **Criminal Procedure & Practice Subcommittee** will hold its final meeting on Tuesday, April 20, 2004 at 9a.m. in HHR 30.

*Criminal Practice Sub's
final meeting
is on April 20th.*

Constitutional Protections Subcommittee

The **Constitutional Protections Subcommittee** did not meet this week. Next week, the subcommittee will consider HB 914 by Representative Hargett, HB 2775 by Representative Buttry, HB 3269 by Representative Hargett, and HB 3324 by Representative McCord.

Note: The **Constitutional Protections Subcommittee** will hold its final meeting on Tuesday, April 20, 2004, at 12 noon in HHR 29.

*Constitutional Protections
will hold its final
meeting on April 20th.*

Judicial Administration Subcommittee

The **Judicial Administration Subcommittee** did not meet this week. Next week, the subcommittee will consider HB 1924 by Representative Bunch, HB 298 by Representative Cochran, HB 299 by Representative Cochran, HB 300 by Representative Cochran, and HB 121 by Representative Buck.

Note: The **Judicial Administration Subcommittee** will hold its final meeting on Tuesday, April 20, 2004, at 2p.m. in HHR 30.

*Judicial Administration
will hold its last meeting
on April 20th.*

Civil Procedure & Practice Subcommittee

On Wednesday, the **Civil Procedure & Practice Subcommittee** met to consider 23 bills. Sixteen bills were rolled for one week. HB 2201 by Representative Shaw was taken off notice. HB 3245 by Representative Overbey failed to receive enough votes for passage.

The following five bills were approved for passage and referred to the full committee:

- **HB 986** by Representative Overbey, as amended, authorizes the disclosure of medical information under certain circumstances. Essentially, this bill addresses issues relating to civil litigation of medical malpractice claims. The tort reform ad hoc committee discussed issues relating to the confidentiality of medical records and submitted findings in its final report.
- **HB 2636** by Representative Newton establishes the "Drug Dealer Liability Act." The purpose of this act is to provide a civil remedy for damages to persons in a community injured as a result of illegal drug use. Furthermore, this bill intends to shift the cost of damage caused by the existence of the illegal drug market in a community to those who illegally profit from that market. Primarily, this bill provides a method to bring a civil action against drug dealers in a community.
- **HB 2639** by Representative Fowlkes, as amended, revises probate law relating to estates, creditors' rights, elective share, ademption, trusts, and gift taxes.
- **HB 3146** by Representative Johnson (Loudon), as amended, provides the register of deeds with options in which to deal with excess fees that accompany instruments for recordation.
- **HB 3311** by Representative Hagood extends immunity to restaurants, hotels, and convention centers that act as good faith donors to charitable or nonprofit organizations. These entities would not be subject to criminal penalties or civil damages arising from the condition of donated food, unless gross negligence, recklessness, or intentional conduct of the donor caused the injury. The bill addresses concerns raised by charitable organizations such as Second Harvest Food Bank.

Note: The **Civil Procedure & Practice Subcommittee** will hold its final meeting on Wednesday, April 21, 2004, at 12 noon in HHR 30.

*Civil holds its final
meeting on April 21st.*

Full Judiciary Committee

On Wednesday, the **full Judiciary Committee** met to consider 54 bills. Thirty-four bills were rolled for one week. HB 1161 by Representative Towns was taken off notice for lack of a Senate sponsor.

The following ten bills were approved for passage and referred to **Calendar & Rules**:

- **HB 2416** by Representative Kernell, as amended, clarifies the licensing exception for attorneys who are private investigators. Under this bill, an attorney in good standing and licensed to practice law would not be required to obtain a private investigator license from the department of commerce and insurance.
- **HB 2877** by Representative Bunch, as amended, authorizes veterinarians to dispense tranquilizers to local animal control personnel for the purpose of tranquilizing animals as necessary to prevent immediate peril to human life or property. The dispensing veterinarian and the local animal control personnel would maintain detailed records related to dispensing, possessing, and using the tranquilizers.
- **HB 3360** by Representative DuBois, as amended, revises the law concerning shooting ranges and related liability issues. A person, who operates or uses a shooting range, would not be subject to civil or criminal liability for noise or noise pollution, nuisance, or any other claim not involving physical injury to another human if the shooting range complies with local noise control laws, ordinances, resolutions, or regulations. Likewise, a person or entity would not be subject to an action for nuisance, abatement, or any other type of action or proceeding which would alter the use of the shooting range if the shooting range complies with local noise control laws, resolutions, ordinances, or regulations. Shooting ranges that are established after July 1, 2004 would not be protected by the exemptions contained in this bill until one year after the date the shooting range begins operation.
- **HB 1004** by Representative Clem, as amended, authorizes a judge or chancellor to sign an order approving any tort claim settlement involving a minor that is less than \$10,000.00 by relying on affidavits from the legal guardian. This bill provides an enumerated list of information that would be contained in the affidavit. This bill would not apply to structured settlements.
- **HB 2612** by Representative DuBois creates the "Good Samaritan Volunteer Firefighters' Assistance Act." A person, corporation, business, charity organization, or government agency that acts reasonably and in good faith would not be subject to civil liability for any personal injury, property damage, or death proximately caused by a defect in equipment donated to a volunteer fire department. However, liability would be imposed when the donor's act or omission constitutes malice, gross negligence, recklessness, or intentional misconduct. Furthermore, liability would be imposed when the

donor is the manufacturer of the equipment or when the donor modified or altered the equipment after it has been recertified by an authorized technician.

This bill aims to encourage donations from businesses and corporations for volunteer fire departments. This bill received a favorable recommendation from the **Joint Ad Hoc Committee on Issues Involving Alcohol and Citizen Responsibility**.

- **HB 3009** by Representative Clem, as amended, imposes a statute of limitations for collecting late payments or refunding overpayments for municipal utilities. Under this bill, a municipality would have three years from the date the payment was first due to collect late payments or submit refunds.
- **HB 3268** by Representative Cochran, as amended, adds another instance constituting a warrantless arrest. Under this bill, a law enforcement officer has the authority to arrest a person without a warrant when such person flees the scene of an accident, is apprehended within four hours of the accident, and there is probable cause to believe that the person committed a DUI violation. This bill received a favorable recommendation from the **Joint Ad Hoc Committee on Issues Involving Alcohol and Citizen Responsibility**.
- **HB 2560** by Representative Winningham, as amended, creates a Class A misdemeanor offense for any person to knowingly issue, sell, or manufacture a false academic degree. Also, this bill creates a Class C misdemeanor offense for a person to knowingly use or claim to have a false academic degree to obtain employment, a promotion in employment, or admission to a college, university, or other institution of higher learning. This bill would not prohibit institutions from issuing honorary degrees.
- **HB 2208** by Representative Brooks (Knox) revises the records system under the sexual offender registration and monitoring act. Primarily, this bill requires the TBI to place the name and address of any institution of higher education at which the sexual offender is employed, carries on a vocation, or is a student. The information would be published on the state of Tennessee's internet home page and would apply to sexual offenders who committed sexual offenses between July 1, 1997 and October 27, 2002.
- **HB 164** by Representative Buck, as amended, revises the present law relating to prevention or obstruction of service of process at business establishments. This bill specifies that all employees or agents would be subject to the misdemeanor offense for intentionally preventing

or obstructing service of process. This bill requires the process server to exhaust all other location possibilities prior to serving process at a business establishment. The process server would be required to call the business establishment during normal working hours prior to serving process upon an employee sought to be served.

The following nine bills were approved for passage and referred to **Finance, Ways, & Means**:

- **HB 3403** by Representative Hargrove, as amended, rewrites the law relating to identity theft. This bill represents the issues that were addressed by the study committee held during the interim. The intent of this bill is to remedy flaws in the present law for identity theft issues.
- **HJR 773** by Representative Brooks (Shelby) creates a joint study committee to examine issues relating to pretrial release programs. The joint study committee would study issues including the accountability of pretrial release programs, the need for uniform standards and guidelines concerning eligibility, the revenue generated by pretrial release programs, the distribution of revenue collected, and any other related public safety issues. The joint study committee is charged with reporting findings and recommendations, including any proposed legislation, to the 104th General Assembly no later than February 1, 2005.
- **HB 1254** by Representative McMillan redefines "victim" for the purpose of prosecuting sexual offenses. Under this bill, a victim would include the spouse of the defendant. Also, this bill deletes the present law provision that creates a limited spousal exclusion barring prosecution for sexual offenses and defines spousal rape, aggravated spousal rape, and spousal sexual battery.
- **HB 3469** by Representative McMillan, as amended, creates the "Anti-Spam Act of 2004." This bill provides criminal and civil penalties when commercial e-mails are unlawfully transmitted.
- **HB 2850** by Representative Cochran creates the "Rachel Clawson Act of 2004." This bill revises the definition of vehicular homicide and creates a Class D felony when vehicular homicide is the proximate result of failure to exercise due care in a construction zone or a school safety zone.
- **HB 3397** by Representative Stanley, as amended, revises the law concerning persons who knowingly fail to appear at court, penal institutions, or other official proceedings when directed to appear by a lawful authority. Under this bill, failure to appear would include instances in which the person has

been lawfully issued a criminal summons or has been lawfully commanded to appear for booking and processing pursuant to a criminal summons. A person would commit a Class A misdemeanor for failure to appear for booking and processing pursuant to a criminal summons.

- **HB 2673** by Representative Stanley authorizes Shelby County to impose a local litigation tax up to \$6.00 in civil and criminal cases heard in general sessions court.
- **HB 2809** by Representative Rowland, as amended, urges the department of safety to study and investigate the prevalence of those who intentionally flee or attempt to elude a law enforcement officer. Likewise, the department is urged to determine the sufficiency of current penalties associated with evading arrest. This bill requests for the department to report any findings, recommendations, or conclusions to the general assembly by February 1, 2005.
- **HB 3398** by Representative Newton adds 'a reckless

killing of another while evading arrest' to the definition of second degree murder. Under present law, second degree murder is punishable as a Class A

felony. The intent of this bill is to fill a gap in the law.

State & Local Government

Lawrence Hall, Jr.

Full Committee

This week in the **State and Local Government full committee**, the committee heard **HJR 1009**, by Rep. Cobb. This resolution names the Tennessee Fire Service Codes Enforcement Academy in Bedford County in honor of former Representative Clarence "Pete" Phillips. This bill was passed to Finance, Ways and Means. The committee passed both **HB 2359** and **HB 2360**, by Rep. Jones (Shelby) to the Finance, Ways and Means. These bills will allow the direct appeal to the state board of equalization regarding property assessments.

HB 3272, also, by Rep. Jones (Shelby) makes it clear that the law authorizing beer manufacturers to operate as a retailer and hold a restaurant license also applies to Pigeon Forge. This bill passed to Calendar and Rules. **HB 2286**, by Rep. Vincent clarifies the law regarding

property taxpayer receipts and allowing the receipt that is submitted with the tax notice to be sufficient to satisfy the requirement of providing the taxpayer a receipt for payment. This bill was passed to Calendar and Rules.

State Government Subcommittee

State Government Subcommittee considered **HB 3189**, by Rep. Kernell. As amended, this bill will increase the home office expense amount to \$300 per month for members of the general assembly. This bill was passed to full committee. **HB 3491**, by Rep. McMillan, as amended, will allow the appointment list that is given to the appointing authority of the department of personnel to consist of ten available eligible persons rather than three persons. This bill was passed to full committee. **HB 1202** by, Rep. Pruitt passed to full committee. This bill requires that funds from the alcohol and drug addiction treatment fund that are related to distribution of vehicle forfeiture proceeds to be used for treatment of indigent persons in the drug court treatment program.

Local Government Subcommittee

Local Government Subcommittee considered HB 2834, by Rep. Head. This bill passed to full committee. This bill will permit properties that are in a federally designated empowerment zone in Memphis to be sold for back taxes. **HB 3011**, by Rep. L. DeBerry passed to full committee. This bill, as amended, will allow taxpayers to file appeals electronically in Shelby County. **HB 2633**, by Rep. Lynn will prohibit discrimination of faith based providers in state and local contracts for goods and services provided by the department of children services and health and human services. This bill was passed to full committee.

Elections Subcommittee
is closed.

*Elections
Subcommittee
is closed.*

Transportation

Greg E. Adkins

Full Committee

The **full Transportation Committee** met on Wednesday, April 14, 2004, and considered seven bills. **HB 3104** by Rep. Hood passed to FW&M. The

amended bill would enact a primary seatbelt law, in which an individual could be pulled over for only a seatbelt violation. The amended bill also clarifies that the primary seat belt law would not apply to a vehicle in

Transportation continues on the back page. . .
use for a parade, hayride, or crossing a highway from one field to another if operated less than 15 mph. **HB 2589** by Rep. Hagood passed to FW&M. The bill would allow individuals that are not 100% disabled from service-connected disability to obtain a disabled veteran license plate if they pay all of the regular registration fees. **HB 3077** by Rep. Ferguson passed to FW&M. The bill would authorize administrative issuance of constable special purpose license plates.

HB 2588 by Rep. Kernell was rolled one week. (Requires a person issued a driver's license without a social security number to show proof of automobile insurance.) **HB 3439** by Rep. Hagood was rolled one week. (Bans license plate covers that conceal the information on the license plate, i.e., tinted material.) **HB 2784** by Rep. Windle was rolled one week. (Requires that a member of the highway patrol is at every construction site on state and federal roads while workers are present.) **HB 2269** by Rep. Bone was rolled one week. (The amendment rewrites the bill to name all of S.R. 840 the "Tennessee National Guard Parkway".)

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met for the last time on Tuesday, April 13, 2004, and considered six bills. **HB 3253** by Rep. Tidwell passed to full committee without an amendment, however, the proposed amendment would rewrite the bill to extend the effective date of the child passenger restraint safety law to 2006. **HB 2329** by Rep. Brooks (Shelby) did not advance to full committee due to a lack of a second. The bill banned cell phone use while the automobile is in motion for individuals that have a learner, intermediate, or restricted drivers license. **HB 557** by Rep. Jones (Shelby) did not advance to full committee due to a lack of a second. The bill required railroads to maintain railroad right-of-way properties at companies' expense within municipal boundaries. **HB 830** by Rep. Head passed to full committee as amended. The amendment rewrites the bill to authorize county clerks contracting with the Department of Safety for issuance of driver licenses to charge an additional \$4.00 fee for the clerks' administrative costs. The amendment also urges the Department of Safety to seek alternative methods of contracting for service related to the issuance, examination, and renewal of driver's license. The

Department must report about the contracting to the Transportation Committees of the House and Senate by March 1, 2005.

HB 3100 by Rep. Gresham was taken off notice. **HB 3281** by Rep. Odom was taken off notice.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on Wednesday, April 14, 2004, and considered eleven bills. **HB 3212** by Rep. Fitzhugh passed to full committee. The bill deletes the requirement that wildflower areas carry appropriate notations.

The following highway/building sign bills passed to full committee:

1. **HJR 1002** by Rep. Newton--"Raymond Bivens Memorial Highway" sign in Meigs County.
2. **HB 3222** by Rep. Pinion--Directional highway signs for the "Tennessee River Fresh Water Pearl Farm-Museum and Interpretive Center" on I-40 in Benton and Humphreys Counties.
3. **HJR 939** by Rep. Maddox--"Paul Carroll Road" sign in Carroll County.
4. **HJR 1011** by Rep. Fowlkes--"Clarence A. Powell Memorial Bridge" sign on U.S. 31A near Henry Horton State Park.
5. **HJR 978** by Rep. Pinion--"Bill Moore Office Building" sign for the TDOT Region IV Office.

The following bills were taken off notice:

(1) **HB 2928** by Rep. Rinks, (2) **HB 3534** by Rep. McMillan, (3) **HB 2431** by Rep. Yokley, (4) **HB 2696** by Rep. Kent, and (5) **HB 416** by Rep. McDaniel.

Today is Thursday, April 15th